

IN THE DRAWINGS

Attached please find marked-up copies of Figures 1 and 2 and wherein changes are noted in red. The changes depict the key member 22 that aligns with the slot 21 and the support 32 that depends from the plate 12 and supports the plate 12 above the pot bottom 39. No new matter is believed entered with the amendments, which amendments provide antecedent support to the claims. Applicant requests the examiner's authorization to amend the drawings as depicted and to defer the amendment of the drawings, until receipt of a notice of allowed claims and/or allowable subject matter.

REMARKS

Applicant thanks the examiner for his attention to the application. The specification and drawings have been amended to correct for grammatical errors and provide antecedence for the claims.. No new matter has been entered with any of the foregoing amendments.

Claims 1-12 are pending in the application. Claims 1, 3, 4, 8 and 9 stand rejected under §102 as being anticipated by Japanese 205893. Claims 8 and 10-12 stand rejected under §102 as being anticipated by Great Britian 2127264. Claims 2 and 5-7 stand rejected under 35 USC §103 over Japanese 205893 in view of Great Britian 2127264.

Japanese 205893 shows a pot 1 with sidewall projections 6 that mate with slots in a plate having a board 2 with a humped centerpiece. The slots and projections allow the edges of the board 2 to rest on the pot bottom and appear to prevent rotation of the board 2. Figure 5 shows a cross section of a pot with interior board supports that project from the sidewalls. The humped centerpiece does not extend to the peripheral edge of the plate. A hole in the bottom of the pot aligns with a bore of an air vent tube 4 mounted beneath the hump of board 2.

Weep/overflow/drain holes 3 extend through the sidewalls beneath the board 2. The holes 3 are not aligned to a raised shroud portion of the board 2, nor do the holes 3 appear intended to receive and direct water to the bottom of the pot.

The '893 reference also does not disclose a pot with a flanged, outwardly projecting board support surface. Nor does the '893 reference disclose or suggest the use of or retention of wick members to the board 2.

Great Britian 2127264 shows a pot 10 with a plate 12 supported from supports 26 that project from the pot sidewall. Slots 38 and 40 (not holes) are provided on opposite sides of a raised

ramp 44 and apparently grip opposite ends of a wick at “sawtooth” edges 42 as the wick is draped over the top of the ramp 44 in the fashion of the wicks at Japan 2492627. In contrast, applicant supports upright wicks from each of his holes 17 and pronged edges 19.

A housing 46 at the plate 12 deflects water admitted through sidewall hole 32.

The ‘264 reference does not disclose a pot with a flanged, outwardly projecting board support surface. Nor does the ‘264 reference disclose or suggest the retention of upright wick members in holes at the board 2 at pronged edges. Nor does the ‘264 reference disclose a mating sidewall projection and a slotted recess to index the housing to the watering hole 32. Instead, the lug 37 is designed to mount in the guide lug 35.

In distinction to the foregoing references, applicant at independent claims 13, 17 and 18 claims a novel combination of a pot and a plate that segregates a water containment space or reservoir from a soil space. The plate is mounted on an outwardly projecting sidewall flange surface. The plate is formed to provide a shroud at an outer peripheral edge that aligns to a sidewall fill port and which shroud is indexed to the port via a slot in the plate and a mating sidewall projection. One or more wick members are supported to the plate and in the soil in upright relation in the pot. The wick member(s) mount in holes and are retained at barbed edges at the holes.

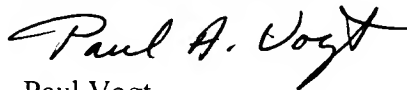
The foregoing combination is neither disclosed nor suggested in either of the cited references or the other provided art and therefore the references don’t anticipate the claims. Moreover, even though similarities exist in the cited references, numerous noted deficiencies also exist. For example, neither reference discloses a flanged support wall/surface at the pot, nor do the references disclose upright wicks supported at pronged edges of included through holes.

The suggested extractions of common features from one reference and substitution into and modification of the other to include the extracted feature(s) are also not disclosed or suggested in the references. Nor is any other motivation provided in the references to effect the claimed combinations of features, except by impermissible hindsight reconstruction and undue experimentation. For example, the '264 reference suggests the use of an alignment lug 37 mounted in the stem of an upright guide 35, not a projection at an edge recess. The '893 reference although having edges recesses and wall projections doesn't provide a shroud and the projections appear only provided to prevent rotation.

In short, the amended claims are believed allowable through their teaching of a novel combination. With the foregoing amendments, explanation and comments, the claims are therefore believed distinguishable over the art and the application is in a condition for allowance. Applicant requests the examiners reconsideration of the application and an early notice to the allowance thereof.

If any matters remain that can be handled with a telephone conference, the examiner is encouraged to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "Paul A. Vogt". The signature is stylized with a large, sweeping "V" and a cursive "t".

Paul Vogt
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